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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,719	09/29/2006	Roland Schutz	4590-579	9398
33308 7590 06/11/2009 LOWE HAUPTMAN & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
LEE, ANDREW CHUNG CHEUNG				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
06/11/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,719

Applicant(s)

SCHUTZ ET AL.

Examiner

Andrew C. Lee

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claim 1 is pending.

Drawings

2. The drawings (Fig. 3) are objected to because Fig. 3 is provided however the description of Fig. 3 is not mentioned clearly in the specification (dated 2/27/2009). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US 6714987 B1).

Regarding claim 1, Amin et al. disclose a system for dynamically controlling equipment in a communication system, taking into account the dynamics associated at least with mobility of users (*Fig. 2, Fig. 3, col. 5, lines 48 – 62*), said system comprising at least one control module comprising at least: a control block comprising: a first component for processing authentication of users connected to a network, dynamic configuration of IP addresses, management of authorizations for service requests from users, configuration of the network components according to the authenticated users (*Fig. 2, Fig. 3, Fig. 4, col. 13, lines 7 – 22, col. 15, lines 36 – 52*); a second control component for the process of user affiliation, server mobility, user location and application-oriented service routing (*Fig. 2, Fig. 3, Fig. 4; col. 11, lines 9 – 24*); a third control component for processing service quality management on the highways of the network (“QoS policy and policy enforcement points”; *Fig. 2, Fig. 3, Fig. 4, Fig. 19, col. 27, lines 45 – 55*); a block comprising at least one of a component for the various user services, the network components, a component for connectivity to the external *entities*

("establishing and managing voice, paging, short message service (SMS), and circuit and packet data oriented services"; Fig. 2, Fig. 3; col. 7, lines 31 – 53).

Response to Arguments

5. Applicant's arguments filed on 2/27/2009 with respect to claim 1 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues reference Amin fails to disclose the claimed features above, because the claimed feature requires that all the users are mobile, whereas Amin appears to disclose a centralized structure, i.e., a static structure. Specifically, the local service function of Amin is included in the static architecture rather in the mobile user. In addition, the local service function layer of the static architecture disclosed by Amin comprises an access accounting server, an authentication, authorization, and accounting server, a security gateway, a policy enforcement server, a mobility manager, which are in the static architecture. On the contrary, claim 1 requires that all the elements and users are mobile.

In response to applicant's remark, Examiner respectfully disagrees. Examiner contends reference Amin teaches all the limitations as disclosed in claim 1. Examiner interpreted reference Amin, Fig. 2, Fig. 3, Fig. 4, col. 13, lines 7 – 22, col. 15, lines 36 – 52, as a first component for processing authentication of users connected to a network, dynamic configuration of IP addresses, management of authorizations for service requests from users, configuration of the network components according to the authenticated users, and then interpreted reference Amin, Fig. 2, Fig. 3, Fig. 4; col. 11,

lines 9 – 24, as a second control component for the process of user affiliation, server mobility, user location and application-oriented service routing, then further interpreted a third control component for processing service quality management on the highways of the network as “QoS policy and policy enforcement points”; reference Amin, Fig. 2, Fig. 3, Fig. 4, Fig. 19, col. 27, lines 45 – 55.

Applicant then further argues that claim 1 requires that all the elements and users are mobile. The remark provided by applicant technically is incorrect. If all the elements and users are mobile as claimed by the applicant is true, then Figure 3 in the specification needs more explanation and clarification. However, according to the preamble of claim 1 recited “a system for dynamically controlling equipment in a communication system, taking into account the dynamics associated at least with mobility of user, said system comprising...” is not limited to mobile users. The claimed system is interpreted as a system comprises both fixed and mobile station/terminal and the related apparatus/devices/nodes which perform all the protocol functions as disclosed in the claim 1.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Bjelland et al. (US 6973054 B2).
- b) Amin et al. (US 20020152319 A1).
- c) Dantu et al. (US 7225238 B1).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/594,719
Art Unit: 2419

Page 7

/Andrew C Lee/
Examiner, Art Unit 2419
<6/05/2009::3Qy09>
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2419